

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACKIE EDWARD JOHNSON

Petitioner,

v.

HUNTER ANGLEA, Warden,

Respondent.

No. 2:20-cv-1830 KJM DB P

ORDER

Petitioner has requested the appointment of counsel. (ECF No. 11). In support of the request, petitioner points to the fact that he was asked to “pick a Magistrate Judge or United States District Judge” to hear the instant petition, and that he knows nothing about the difference between the two.<sup>1</sup> (See id. at 1).

There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not

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<sup>1</sup> The court is prohibited from giving litigants advice. However, it is common knowledge that district court judges appoint magistrate judges to cases and review their decisions. See 28 U.S.C. §§ 631, 636. The powers of magistrate judges in relation to district court judges are detailed in 28 U.S.C. § 636. Petitioner having selected a district court judge to be the arbiter of this action (see ECF No. 11 at 1) means that the assigned district court judge will review the findings and recommendations of the magistrate judge and make the final decisions in this matter.

1 find that the interests of justice would be served by the appointment of counsel at the present  
2 time.

3 Accordingly, IT IS HEREBY ORDERED that petitioner's motion for appointment of  
4 counsel (ECF No. 11) is DENIED without prejudice to a renewal of the motion at a later stage of  
5 the proceedings.

6 Dated: October 19, 2020

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9 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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